Trusts in the names of ex-Prime Ministers

1788. SHRI RAJNATH SINGH 'SURYA': Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) how many trusts have been formed in the names of ex-Prime Ministers;

(b) in what manner they are funded by Government and how much money has been given to them so far (individually); and

(c) what is the monitoring and central mechanism of Government over them?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI M. THAMBI DURAI): (a) and (b) The Trusts formed under the Indian Trusts Act, 1872 are registered by the respective State Governments and Union Territories. The information will be collected from the respective State Governments and Union Territories and laid on the Table of the House.

(c) No central mechanism to monitor the trusts is available.

Recommendations of Goswamy Committee

1789. SHRI RAHASBIHARI BARIK: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) the salient features of the recommendations of Goswamy Committee on Electoral Reforms;

(b) whether Government have examined those recommendations;

(c) if so, which of those recommendations have been accepted; and

(d) the steps taken to implement those recommendations?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI M. THAMBI DURAI): (a) to (d) The main recommendations of the Dinesh Goswamy Committee and their present status are contained in the Statement which is laid on the Table of the House.

Statement

Main recommendations of the committee on electoral reforms and their present status:

1. The Election Commission should be a three member body.*

2. The appointment of Chief Election Commissioner should be in consultation with the Chief Justice of India and the Leader of the opposition. The Chief Election Commissioner should be consulted for appointment of other Members.%

3. The tenure of the Chief Election Commissioner and other Election Commissioners should be for a term of five years or sixty five years of age, whichever is later and they should in no case continue in office beyond sixtyfive years and for more than ten years in all.**

4. The Chief Election Commissioner and the election Commissioners should be made ineligible not only for any appointment under the government but also to any office including the office of Governor.%

5. A fresh delimitation on the basis of 1981 census. Rotation of seats reserved for Scheduled Castes.%

6. Introduction of multi-purpose photo identity cards.***

7. No individual to be allowed to contest from more than two constituencies.$

8. Non-serious candidates to be discouraged. Security deposit of independent candidates to be raised.$

8A. Forefeiture of security deposit for failure to secure less than ¼th of the votes polled.%

9. Statutory backing for important provisions of model code of conduct.%

10. Use of electronic voting machines in all future elections.@

11. A series of legislative measures to be undertaken to eradicate booth capturing, rigging and intimidation of voters.$

12. State funding in kind to a limited extent to recognised political parties, to begin with.%

13. Plying of automobiles, carrying of firearms, sale and distribution of liquor on poll day to be electoral offences.$

14. Disqualification under Anti-defection law to be restricted to voluntary resignation and voting or abstention against party whip only in the case of vote of confidence, money bill or vote of thanks to the President. President or Governor to decide the issue of disqualification after obtaining the Election Commission's opinion.%

15. Constitution of an Expert Committee to go further into the question of change of the present electoral system.%

16. A Standing committee to the Parliament to go into all electoral matters.%

17. The expenditure of the Commission should continue to be 'voted'.%

18. Punishment for breach of official duty in connection with preparation, revision, etc., of electoral roll to be made more stringent.$

19. Candidates of recognised political parties to be arranged above other candidates in the ballot paper.$

20. Statutory status to Commission's Observers and empowering them to stop counting of votes in certain situations.$

21. Empowering election Commission to countermand an election or order a repoll in entire constituency or part thereof even otherwise than on a report from the Returning Officer.%

22. Amplification of offence of booth capturing, making it cognizable and more stringent for Government servants.$

23. Bye-elections should be held within a period of six months of the occurrence of the vacancy.$

24. No countermanding of an election in case of death of an independent candidate.$$

25. Enhancement of punishment for disturbances at election meetings.$

26. Prohibition of public meetings or procession in connection with an election during a period of 48 hours ending with hour fixed for the conclusion of the pool.$

27. Enhancement of the penalty for illegal hiring or procuring of conveyances for free conveyance of the voters to any polling station. $

28. Prohibition of any person other than authorised persons going armed within the neigbourhood of polling station. $

29. Amendment to section 135 of the Representation of the People Act, 1951. $

30. Grant of paid holiday to employees of any industrial undertaking or establishment on the day of poll. $

31. No spiritous, fermented or intoxicating liqours or other substances to be sold, given or distributed at a hotel, eating house, etc. within a polling area on a polling day. $

32. Conviction under section 2 and 3 of the Prevention of Insults to National Honour Act, 1971 to lead to disqualification for a period of six years from the date of such conviction. $

33. Restoration of pre 1974 position in respect of ceiling on election expenses.

* The Election Commission was made a three-member body with effect from 1.10.1993.

** The CEC and other Election Commissioners (Conditions of Service) Amendment Act, 1994 provides that the tenure of the CEC and other election Commissioners would be for six years

or sixty-five years of age whichever is earlier.

*** The scheme of issuance of photo identity cards to voters has been accepted by Government.

@ Specific provision was inserted in March, 1992 in the Representation of the People Act, 1951 to empower the Commission to use EVMs at election. Use of Electronic Voting Machines in selected constitutencies was made during Assembly elections held in Novemeber, 1998.

$ These recommendations have been given effect to by the Representation of the People (Amendment) Act, 1996.

$$ The Representation of the People (Amendment) Act, 1996 provides for non-countermanding of an election in case of death of any candidate.

% No final decision has been taken.

Lok Adalats

1790. SHRI ANANTA SETHI: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether Lok Adalats are getting popular in every State; and

(b) if so, the number of Lok Adalats organised by Government during the last three years, State-wise, year-wise and place-wise alongwith the cases settled therein?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI M. THAMBI DURAI): (a) Yes, Sir.

(b) Lok Adalats are being organised by the State and District Legal Services Authorities, etc.—constituted under the Legal Services Authorities Act, 1987 and not by the Government.

Information as to the number of Lok Adalats organised by the State Legal Services Authorities during the last three years, State wise, year-wise and place wise is being obtained from the State Legal Services Authorities and will be laid on the Table of the House.

न्यायालयों में न्यायाधीशों की रिक्तियों को भरा जाना

1791. **श्री डी० पी० यादव:**
श्री कृष्ण कुमार बिरला:

क्या **विधि, न्याय और कंपनी कार्य** मंत्री यह बताने की कृपा करेंगे कि:

(क) क्या उच्च न्यायालयों और अधीनस्थ न्यायालयों में आधारभूत ढांचे को सुधारने और न्यायाधीशों की संख्या में वृद्धि करने की अत्यधिक आवश्यकता है;

(ख) यदि हां, तो क्या यह सच है कि यहां तक कि उच्चतम न्यायालय, विभिन्न उच्च न्यायालयों और अधीनस्थ न्यायालयों में न्यायाधीशों की रिक्तियां खाली पड़ी रहने के परिणामस्वरूप बकाया मामले निपटान से बच जाते हैं;

(ग) यदि हां, तो 31 अक्तूबर, 1998 की स्थिति के अनुसार न्यायाधीशों की रिक्तियों की कुल संख्या कितनी है और क्या सरकार ने इन रिक्तियों को भरने के लिए कोई कार्य योजना तैयार की है;

(घ) यदि हां, तो उनका ब्यौरा क्या है; और

(ङ) यदि नहीं, तो उसके क्या कारण है?

विधि, न्याय और कंपनी कार्य मंत्री (श्री एम० थम्बी दुरई): (क) उच्च न्यायालयों के न्यायाधीशों की संख्या का तीन वर्षों में एक बार पुनर्विलोकन किया जाता है और आगामी पुनर्विलोकन 1998 में किया जाना है।

न्यायापालिका के संबंध में अवसंरचनात्मक सुविधाओं के विकास के लिए केन्द्रीय रूप से प्रायोजित स्कीम सरकार द्वारा 1993-94 के दौरान आरंभ की गई थी। इसमें न्यायालय भवनों तथा न्यायाधीशों/न्यायिक अधिकारियों के लिए निवास स्थान, जिसमें उच्च न्यायालय/अधीनस्थ न्यायालय भी हैं, का संनिर्माण सम्मिलित है। वर्ष 1993-94 में, इसके प्रारंभ से 1997-98 तक अवसंरचनाओं के विकास के लिए विभिन्न सरकारों/संघ राज्य-क्षेत्रों को 232.43 करोड़ रूपए की राशि दी जा चुकी है। चालू वित्तीय वर्ष के दौरान, इस प्रयोजन के लिए 52 करोड़ रुपए का बजट प्रावधान किया गया है।